

HOUSE BILL 491
By DuBois

AN ACT to amend Tennessee Code Annotated, Title 66,
relative to common interest ownership.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, is amended by adding the following
as a new section thereto:

66-__-__.

(a) A building code may not impose any requirement upon any structure in a
common interest community which it would not impose upon a physically identical
development under a different form of ownership.

(b) In condominiums and cooperatives, no zoning, subdivision, or other real
estate use law, ordinance, or regulation may prohibit the condominium or cooperative
form of ownership or impose any requirement upon a condominium or cooperative which
it would not impose upon a physically identical development under a different form of
ownership.

(c) Except as provided in subsections (a) and (b), the provisions of this act do
not invalidate or modify any provision of any building code, zoning, subdivision, or other
real estate use law, ordinance, rule or regulation governing the use of real estate.

(d) As used in this section:

(1) "Common interest community" means real estate with respect to
which a person, by virtue of such person's ownership of a unit, is obligated to pay
for real estate taxes, insurance premiums, maintenance, or improvement of other
real estate described in a declaration;

(2) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners; and

(3) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of such member's ownership interest in the association to exclusive possession of a unit.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.